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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
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of Minorities
Forty-ninth session
Agenda item 4 (b) and (c)

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS:
THE REALIZATION OF THE RIGHT TO DEVELOPMENT

THE QUESTION OF TRANSNATIONAL CORPORATIONS

Mr. Alfonso Martínez, Mr. Ali Khan, Mrs. Attah, Mrs. Gwanmesia,
Mr. Park and Mrs. Warzazi: draft resolution

1997/... The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that, under the Charter, one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all,

Reaffirming the commitment of States Members of the United Nations, contained in article 56 of the Charter, to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in article 55 of the Charter,

Conscious that the Universal Declaration of Human Rights provides that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Declaration can be fully realized,

Reaffirming the Declaration on Social Progress and Development proclaimed by the General Assembly in its resolution 2542 (XXIV) of 11 December 1969, the Declaration and Programme of Action on the Establishment of a New International Economic Order proclaimed by the General Assembly in its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, tne Charter of Economic Rights and Duties of States adopted by the General Assembly in its resolution 3281 (XXIX) of 12 December 1974, the Declaration of the Principles of International Cultural Cooperation proclaimed by the General Conference of the United Nations Educational, Scientific and Cultural Organization in 1966 and General Assembly resolution 1803 (XVII) of 14 December 1962, entitled "Permanent sovereignty over natural resources",

Mindful that in the Vienna Declaration and Programme of Action (A/CONF.157/23) the World Conference on Human Rights reaffirmed the right to development as a universal and inalienable right and an integral part of all fundamental human rights, reaffirmed that the human person was the central subject of development and underlined the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Noting that the Working Group on the Right to Development identified the concentration of economic and political power as one of the obstacles to the realization of the right to development,

Noting also that lasting progress towards the implementation of the right to development requires effective development policies at the national level, as well as equitable economic relations and a favourable economic environment at the international level,

Taking into account the fact that the Working Group on the Right to Development recommended the adoption of new international legislation and the creation of effective international institutions to regulate the activities of

transnational corporations and banks, and in particular to resume the multilateral negotiations on a code of conduct for transnational corporations,

Bearing in mind the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy adopted by the Governing Body of the International Labour Office in November 1977,

Recognizing that the activities of the various organizations in the United Nations system should be closely interrelated and that it is necessary to draw on all the efforts made in the various disciplines relating to the human person in order to promote all human rights effectively,

Recalling its resolutions 1989/20 and 1989/21 of 31 August 1989, 1990/16 of 30 August 1990, 1991/27 of 29 August 1991, 1992/29 of 27 August 1992, 1993/36 of 25 August 1993, 1993/40 of 26 August 1993, 1994/40, 1994/41 and 1994/48 of 26 August 1994, 1995/31 of 24 August 1995 and 1996/39 of 30 August 1996,

Recalling also Commission on Human Rights resolutions 1989/15 of 2 March 1989, 1990/17 and 1990/18 of 23 February 1990, 1991/13 of 22 February 1991, 1992/9 of 21 February 1992, 1993/12 of 26 February 1993, 1994/11 of 25 February 1994, 1995/13 of 25 February 1995, 1996/15 of 11 April 1996 and 1997/9 of 3 April 1997,

Taking into account the background document (E/CN.4/Sub.2/1995/11) prepared by the Secretary-General in accordance with its resolution 1994/37 and the report (E/CN.4/Sub.2/1996/12 and Corr.1) submitted by the Secretary-General in accordance with its resolution 1995/31,

1. Reaffirms the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986, underlining the multidimensional, integrating and dynamic character of this right which favours a partnership for development and constitutes a relevant framework for international cooperation and national action aiming at universal and effective respect for all human rights in their universality, indivisibility and interdependence;

2. Affirms that the global and multidimensional approach defined in the Declaration on the Right to Development should provide a basis for the work undertaken on the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations;

3. Decides to entrust Mr. El Hadji Guissé with the task of preparing, without incurring financial implications, a background document on the

question of the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations, for submission to the Sub-Commission and to the Working Group referred to below;

4. Decides to establish, for a three-year period, an inter-sessional working group of the Sub-Commission, composed of five of its members, to examine the working methods and activities of transnational corporations, with the following mandate:

(a) To identify and examine the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development, as well as civil and political rights;

(b) To investigate, monitor, examine, receive and gather information on the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and of the right to development, as well as of civil and political rights;

(c) To make recommendations and proposals aimed at regulating the methods of work and activities of transnational corporations in order to ensure that these are in keeping with the economic and social objectives of the countries in which they operate, and to promote the enjoyment of economic, social and cultural rights and of the right to development;

(d) To prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product or financial turnover, respectively, and to submit its first report to the Sub-Commission at its fifty-first session.

5. Recommends the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights,

Taking note of resolution 1997/... of ... August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Decides to endorse the decision of the Sub-Commission to establish, for a three-year period, an inter-sessional working group of the Sub-Commission, composed of five of its members, to examine the working methods and activities of transnational corporations, with the following mandate:

(a) To identify and examine the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and of the right to development, as well as of civil and political rights;

(b) To investigate, monitor, examine, receive and gather information on the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and of civil and political rights;

(c) To make recommendations and proposals aimed at regulating the working methods and activities of transnational corporations in order to ensure that these methods and activities are in keeping with the economic and social objectives of the countries in which they operate, and to promote enjoyment of economic, social and cultural rights and of the right to development;

(d) To prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product or financial turnover, respectively, and to submit its first report to the Sub-Commission at its fifty-first session."

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Sub-Commission on Prevention of
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Forty-ninth session
Agenda item 9

THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

Mr. Chernichenko, Mr. Diaz Uribe, Mrs. Gwanmesia, Mr. Joinet
and Mr. Park: draft decision

1997/... Report of the sessional working group
on the administration of justice

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, having considered the report of the sessional working group on the administration of justice (E/CN.4/Sub.2/1997/21), decided (a) to transmit to the Human Rights Committee, through the Secretary-General, a copy of the report of its sessional working group on the administration of justice which contains a recommendation that the Human Rights Committee consider preparing a new general comment on article 4 of the International Covenant on Civil and Political Rights reaffirming the developing consensus that habeas corpus and the related aspects of amparo, as well as cognate rights, should be considered to be non-derogable; and (b) to call upon all States to incorporate in their domestic law provisions making habeas corpus a non-derogable right.

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Agenda item 4

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fan, Ms. Gwanmesia, Mr. Khalil, Mr. Fix Zámudio, Mr. Maxim, Mr. Mehedi, Mr. Park, Ms. Warzazi and Mr. Yimer:
draft decision

1997/... Transmission of resolution 1996/22 of the Sub-Commission to the Secretary-General

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1996/22 of 29 August 1996, entitled "Tenth anniversary of the adoption of the Declaration on the Right to Development", in which it requested the Secretary-General to invite all relevant United Nations bodies and agencies to step up their action aimed at promoting international cooperation for the realization of the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006) and to provide him with the information thereon, and to transmit annually to the Sub-Commission the information received, and noting that the Sub-Commission has, to date, not received the information so requested,

decides to transmit the full text of resolution 1996/22 to the Secretary-General for action.

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Forty-ninth session
Agenda item 7

HUMAN RIGHTS OF INDIGENOUS PEOPLES

Mr. Alfonso Martinez, Mr. Boutkevitch, Ms. Daes, Mr. Guissé
and Mr. Hatano: draft resolution

1997/... Study on treaties, agreements and other constructive arrangements between States and indigenous populations

At its ... meeting, on ... August 1997, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decisions 1994/116 of 26 August 1994, 1995/118 of 24 August 1995 and 1996/118 of 29 August 1996 decided to take note of the Special Rapporteur's explanation of the reasons for not submitting his final report at its present session, urged him to submit his final report in due time - preferably before the end of 1997 - so as to allow it to be discussed by the Working Group on Indigenous Populations at its sixteenth session and by the Sub-Commission at its fiftieth session, and to request the Secretary-General to give the Special Rapporteur all the assistance necessary to enable him to conclude his study.

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Agenda item 5

THE IMPLEMENTATION OF THE HUMAN RIGHTS OF WOMEN

Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch,
Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide,
Mr. Fix Zamudio, Mr. Guissé, Mr. Joinet,
Mr. Lindgren Alves, Mr. Mehedi, Mr. Park, Ms. Warzazi,
Ms. McDougall and Mr. Yimer: draft resolution

1997/... Implementation of the human rights of women and the girl child

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1996/21 of 29 August 1996 on the implementation of the human rights of women and the girl child,

Emphasizing that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights,

Welcoming General Assembly resolution 51/65 of 12 December 1996, in which the Assembly expressed its particular concern for the problem of violence against women migrant workers,

Recalling the outcomes of the World Conference on Human Rights held in Vienna from 14 to 25 June 1993 (A/CONF.157/23), the International Conference on Population and Development held in Cairo from 5 to 13 September 1994 (A/CONF.171/13), the Copenhagen Declaration on Social Development and the

Programme of Action of the World Summit for Social Development held in Copenhagen from 6 to 12 March 1995 (A/CONF.166/9), and the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women held in Beijing from 4 to 15 September 1995 (A/CONF.177/20),

Bearing in mind the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child, as well as the Declaration on the Elimination of Violence against Women,

Emphasizing that the production and use of statistics disaggregated by gender should be promoted as a fundamental tool for identifying and monitoring the participation of women in economic, political and social spheres, including education, management, and policy- and decision-making,

Welcoming the work and noting with appreciation the reports of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy and of the Special Rapporteur of the Sub-Commission, Ms. Halima Embarek Warzazi, on traditional practices affecting the health of women and children, the latest of which are contained in documents E/CN.4/1997/47 and Add.1-4 and E/CN.4/1997/10 and Add.1, respectively,

Deeply concerned at the continuing reports of grave abuses and acts of violence committed against women, and that some groups of women are especially vulnerable to acts of discrimination, violence and abuse based on gender, including women belonging to minority groups, indigenous women, refugee women, migrant workers, women living in rural communities, women living in poverty, women with disabilities, elderly women, women in situations of armed conflict and girl children,

Convinced of the need to eliminate all forms of sexual violence and sexual exploitation, including trafficking for the purposes of prostitution, other forms of commercial sex, domestic labour and servile forms of marriage, which are violations of the human rights of women and girl children and are incompatible with the dignity and worth of the human person,

Affirming that all violations of the human rights of women in situations of armed conflict, including in particular murder, systematic rape, sexual slavery and forced pregnancy, are flagrant violations of international human rights and humanitarian law,

Recognizing that the advancement of women in the process of development requires a further elaboration of international principles of equality regarding inheritance laws and practices,

1. Requests that, where appropriate, future studies submitted to the Sub-Commission include gender-disaggregated statistics and discuss ways in which gender affects the various forms of abuse to which women are subjected, the consequences of those abuses, the availability and accessibility of remedies, the relationship between the abuses suffered by women and the subordinate status of women in public and private life, any gaps in existing international standards of protection and gender-specific recommendations to remedy these violations;

2. Urges Governments and non-governmental, national and international organizations to collect and disseminate gender-disaggregated statistics and indicators to monitor the representation and participation of women at all levels of political, economic and social life, with special attention to the impact of the multiple barriers faced by many women who exist at the intersection of discrimination, based on race, gender and poverty;

3. Calls upon Governments to promote and support the elimination of biases in educational systems to counteract gender segregation of the labour market, enhance the employability of women and effectively improve women's skills and broaden women's access to career choices, in particular in science, new technologies and other areas of potential expansion of employment;

4. Also calls upon Governments to measure and value through existing and improved mechanisms the unpaid work of women, such as work in agriculture, food production, voluntary work, work in family businesses, natural resource management and domestic work, in order to evaluate fully the economic contributions of women;

5. Urges Governments to take increased measures to ensure that the economic and social rights of women are being fully promoted and implemented through their equal access to economic resources, including land, property rights and credit and savings schemes, such as women's banks and cooperatives;

6. Also urges Governments to undertake measures to harmonize national legislation and customary and traditional practices with international principles of equality with respect to the right of inheritance of women and girls;

7. Further urges Governments, in order to prevent and eliminate all forms of violence against women and girls, to adopt measures for the effective implementation of the Declaration on the Elimination of Violence against Women and to ensure just and effective remedies and compensation to victims, taking into special consideration women who are at high risk of violence, such as women migrant workers, refugee women and women in conflict situations;

8. Urges all Governments to ensure that protection against gender-based crimes is adequately reflected in all aspects of the Statute and Rules that are currently being negotiated for an International Criminal Court, and in particular that the crimes of rape, widespread or systematic rape, sexual slavery, forced prostitution and other gender-based crimes are addressed throughout the principles, definitions, and rules of evidence and procedure for an International Criminal Court;

9. Calls upon all Governments that have not yet done so to ratify the Convention on the Elimination of All Forms of Discrimination against Women, without resort to reservations that are contrary to the object and purpose of the Convention or otherwise incompatible with international treaty law;

10. Also calls upon Governments to criminalize trafficking in women and girls in all its forms and to condemn and penalize all offenders, including persons acting under governmental authority and intermediaries, whether their offences were committed in their own or in a foreign country, while ensuring that the victims of these practices are not penalized;

11. Calls upon the multilateral financial institutions to take into consideration in developing structural adjustment policies the need of developing countries to allocate funds to ensure the economic and social advancement of women;

12. Calls upon the Secretary-General to take all steps necessary to ensure that the Committee on the Elimination of Discrimination against Women has equal status and resources with other human rights treaty monitoring bodies and to strengthen coordination among these bodies through the systematic exchange of information and the convening of future round tables to explore gender issues of common concern;

13. Urges the Secretary-General, in cooperation with the Office of the Special Adviser on Gender Issues and the Advancement of Women, to take the necessary steps to strengthen the function of the Focal Point for Women and to ensure the full implementation of the strategic plan of action for the improvement of the status of women in the Secretariat and in particular, to fulfil his target of having women hold 50 per cent of managerial and decision-making positions by the year 2000 as reaffirmed by the General Assembly in resolution 51/67 of 12 December 1996;

14. Fully supports the request of the Commission on the Status of Women that the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees, the Special Rapporteur on violence against women and all other relevant rapporteurs and working groups, including treaty body experts, be invited to participate in the discussion at the forty-second session of the Commission on the Status of Women on the critical areas of concern "human rights of women" and "the girl child";

15. Supports the decision of the Commission on the Status of Women, at its forty-first session, to renew the mandate of the in-session open-ended working group on the elaboration of a draft optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women and urges the working group to accelerate its consideration of the development of an optional protocol;

16. Decides to consider more fully the implications of the Beijing Platform for Action for the work of the Sub-Commission in such areas as women and poverty, the role of women in global development and the promotion of human rights, as well as additional measures to combat violence against women, including trafficking, at its fiftieth session under the same agenda item.

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Forty-ninth session
Agenda item 7

HUMAN RIGHTS OF INDIGENOUS PEOPLES

Ms. Attah, Mr. Boutkevitch, Ms. Daes, Mr. Guissé,
Ms. Gwanmesia and Mr. Hatano: draft resolution

1997/... Permanent forum in the United Nations for indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Bearing in mind the recommendation contained in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights that the establishment of a permanent forum for indigenous people in the United Nations system should be considered (A/CONF.157/23, para. II. 32),

Recalling General Assembly resolutions 48/163 of 21 December 1993 and 50/157 of 21 December 1995 and Commission on Human Rights resolution 1997/30 of 11 April 1997,

Deeply convinced that the establishment of a permanent forum cannot be considered as an alternative to the continued existence of the Working Group on Indigenous Populations,

Taking note of the reports of the workshops held in Copenhagen and Santiago de Chile, in accordance with Commission on Human Rights resolutions 1995/30 and 1997/30 respectively (E/CN.4/Sub.2/AC.4/1995/7 and Add.1-3 and E/CN.4/Sub.2/AC.4/1997/CRP.1),

Taking into account the comments and suggestions of the members of the Working Group and other participants at the fifteenth session of the Working Group on Indigenous Populations on this matter,

1. Recommends that the permanent forum be established in the course of the International Decade of the World's Indigenous People and that its mandate include, inter alia, questions relating to the rights of indigenous peoples and all matters contained in the programme of activities for the International Decade;

2. Endorses in particular the recommendation of the Santiago workshop and the Working Group on Indigenous Populations that the Commission on Human Rights at its fifty-fourth session consider how to further the process of establishing a permanent forum for indigenous peoples in the United Nations, inter alia through the drafting of concrete proposals to this effect, bearing in mind the possibility of submitting the matter to the Economic and Social Council for action;

3. Decides to recommend to the Commission on Human Rights the following draft decision for adoption:

"The Commission on Human Rights, taking note of resolution 1997/... of ... August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to submit the question of the establishment of a permanent forum in the United Nations for indigenous peoples to the Economic and Social Council for its consideration."

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HUMAN RIGHTS OF INDIGENOUS PEOPLES

Ms. Attah, Mr. Boutkevitch, Ms. Daes, Mr. Guissé,
Ms. Gwanmesia and Mr. Hatano: draft resolution

1997/... International Decade of the World's Indigenous People

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that one of the Purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 48/163 of 21 December 1993, in which the Assembly proclaimed the International Decade of the World's Indigenous People,

Recalling also that the goal of the Decade is the strengthening of international cooperation for the solution of problems faced by indigenous peoples in such areas as human rights, the environment, development, education and health,

Recalling further General Assembly resolution 50/157 of 21 December 1995, in which the Assembly adopted the comprehensive programme of activities for the International Decade of the World's Indigenous People,

Having considered the report of the Working Group on Indigenous Populations on its fifteenth session (E/CN.4/Sub.2/1997/14),

1. Welcomes the observance of the International Day of the World's Indigenous People on 9 August;

2. Also welcomes the recommendation made by the Commission on Human Rights in its resolution 1997/32 of 11 April 1997 that the United Nations High Commissioner for Human Rights assume responsibility for coordination of the International Decade;

3. Recommends that the Coordinator for the Decade consider holding a special fund-raising meeting with interested permanent missions and the members of the Advisory Group to encourage financial contributions to the United Nations Trust Fund for the Decade and the United Nations Voluntary Fund for Indigenous Populations, as well as the secondment of qualified staff, including indigenous persons, to assist with the work of the High Commissioner/Centre for Human Rights relating to the programme for indigenous peoples;

4. Also recommends that attention continue to be given to improving the extent of the participation of indigenous peoples in planning and implementing the activities of the Decade;

5. Further recommends that in accordance with General Assembly resolution 50/157 of 21 December 1995, the draft United Nations declaration on the rights of indigenous peoples be adopted as early as possible in the International Decade;

6. Welcomes the reports of the workshops held in Copenhagen and Santiago de Chile, in accordance with Commission on Human Rights resolutions 1995/30 and 1997/30 respectively (E/CN.4/Sub.2/AC.4/1995/7 and Add.1-3 and E/CN.4/Sub.2/AC.4/1997/CRP.1);

7. Recommends that the permanent forum for indigenous peoples within the United Nations system be established as soon as possible in the course of the Decade;

8. Congratulates the Advisory Group for the Voluntary Fund for the Decade for the work it has accomplished, for its initiatives and for the transparency of its working methods and decisions;

9. Expresses its appreciation to the Government of Spain for its offer to host a workshop of indigenous journalists in Madrid in 1998;

10. Urges the High Commissioner/Centre for Human Rights, in consultation with the Government of Spain to accelerate the relevant procedure so that the planned workshop of indigenous journalists can take place early in 1998, with the participation of government representatives, indigenous journalists, competent United Nations agencies, including the Information Service of the United Nations Office in Geneva, the Chairperson-Rapporteur of the Working Group on Indigenous Populations and the International Press Institute;

11. Requests the Working Group on Indigenous Populations, at its sixteenth session to prepare for the mid-point review of the International Decade of the World's Indigenous People in 1999;

12. Welcomes the recommendation made by the Commission on Human Rights in its resolution 1997/32 that the High Commission/Centre for Human Rights convene a workshop in the spring of 1998 for research and higher education institutions focusing on indigenous issues.

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HUMAN RIGHTS OF INDIGENOUS PEOPLES

Ms. Attah, Mr. Boutkevitch, Ms. Daes, Mr. Guissé,
Ms. Gwanmesia and Mr. Hatano: draft resolution

1997/... Study on indigenous land rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Acknowledging that indigenous peoples in many countries have been deprived of their human rights and fundamental freedoms and that many of the human rights problems faced by indigenous peoples are linked to the historical and continuing deprivation of ancestral rights over lands, territories and resources,

Recognizing the profound spiritual, cultural, social and economic relationship that indigenous peoples have to their total environment and the urgent need to respect and recognize the rights of indigenous peoples to their lands, territories and resources,

Acknowledging that lack of secure land rights, in addition to continued instability of State land tenure systems and impediments to efforts for the promotion and protection of indigenous communities and the environment, are imperilling the survival of indigenous peoples,

Recognizing that United Nations organs and Member States have increasingly acknowledged that lands and natural resources are essential to the Economic and cultural survival of indigenous peoples, and that some States have enacted legal measures that uphold indigenous land rights or have established procedures for arriving at legally binding agreements on indigenous land-related issues,

Mindful of the development of relevant international standards and programmes which promote and affirm the rights of indigenous peoples to their lands and resources, in particular the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization, Agenda 21 adopted by the United Nations Conference on Environment and Development, World Bank Operational Directive 4.20, the draft Inter-American Declaration on the Rights of the Indigenous Peoples developed by the Inter-American Commission on Human Rights of the Organization of American States, and the draft United Nations declaration on the rights of indigenous people,

Recognizing that despite these international and national advances, problems continue to abound which impede the effective enjoyment of indigenous land rights,

Recalling that many States in which indigenous peoples live have yet to enact laws or policies regarding indigenous land claims or in other instances have not provided adequate implementing mechanisms concerning indigenous land rights that are mutually acceptable to the parties concerned,

Recalling also the activity of the United Nations, which lays the groundwork for a thorough inquiry into the subject of indigenous land rights, in particular, the Sub-Commission's study of the problem of discrimination against indigenous populations (E/CN.4/Sub.2/1986/7 and Add.1-4).

Recalling further the report and recommendations of the expert seminar on practical experiences regarding indigenous land rights and claims, held in Whitehorse, Canada, in March 1996 (E/CN.4/Sub.2/AC.4/1996/6),

Recalling its resolution 1996/38 of 29 August 1996, in which it recommended that the Commission on Human Rights authorize the appointment of Ms. Erica-Irene A. Daes as Special Rapporteur to conduct a comprehensive study on indigenous land rights,

Recalling also Commission on Human Rights decision 1997/114 of 11 April 1997 and Economic and Social Council decision 1997/... of ... July 1997 endorsing the appointment of Ms. Erica-Irene A. Daes as

Special Rapporteur with the mandate to prepare a working paper on indigenous people and their relationship to land with a view to suggesting practical measures to address ongoing problems in this regard,

Having heard the important introductory statement of the Special Rapporteur on indigenous peoples and their relationship to land,

Having considered the comprehensive preliminary working paper on indigenous peoples and their relationship to land submitted by the Special Rapporteur (E/CN.4/Sub.2/1997/17 and Corr.1),

1. Expresses its deep appreciation and thanks to the Special Rapporteur for her introductory statement and the working paper on indigenous peoples and their relationship to land;

2. Requests the Secretary-General to transmit the working paper to Governments, indigenous peoples and intergovernmental and non-governmental organizations, as soon as possible, for their comments and suggestions;

3. Requests the Special Rapporteur to prepare her final working paper on the basis of the comments and information received from Governments, indigenous peoples and others and to submit it to the Working Group on Indigenous Populations at its sixteenth session and the Sub-Commission at its fiftieth session;

4. Recommends the following draft decision to the Commission on Human Rights for adoption:

> "The Commission on Human Rights, taking note of resolution 1997/... of ... August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, requests the Secretary-General to provide the Special Rapporteur with the assistance necessary to enable her to complete her final working paper in accordance with Commission on Human Rights decision 1997/114 of 11 April 1997 and Economic and Social Council decision 1997/... of ... July 1997."

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Agenda item 11

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Mr. Bossuyt, Ms. Daes, Mr. Eide, Mr. Fix Zamudio, Ms. Forero Ucros, Mr. Guissé, Ms. Gwanmesia, Mr. Joinet, Mr. Lindgren Alves, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbordt and Mr. Yimer: draft resolution

1997/... Illicit transfer of arms

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Conventions on Human Rights and the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto,

Bearing in mind the "Guidelines for international arms transfer in the context of General Assembly resolution 46/36 H of 6 December 1991" adopted in 1996 by the United Nations Disarmament Commission,

Deeply concerned at the recurrence of armed conflicts exacerbated by the illicit transfer of arms, their incidence on the enjoyment of human rights and on the application of international humanitarian law, as well as by their adverse consequences for international and regional peace and security,

Urges States to foster international cooperation, to exchange information, to promote technical assistance and to promulgate administrative and legal measures aimed at the prevention and control of the illicit transfer of arms,

Decides to authorize the inclusion of this question in the preliminary document concerning a study in the context of human rights and humanitarian norms, on weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering, to be submitted to the Sub-Commission at its fiftieth session.

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Forty-ninth session
Agenda item 11

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Mr. Alfonso Martínez, Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Chernichenko, Mrs. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fan, Mr. Fix Zamudio, Mr. Guissé, Mrs. Gwanmesia, Mr. Hatano, Mr. Khalifa, Mr. Maxim, Mr. Mehedi, Mr. Park, Mr. Shamshur, Ms. Warzazi, Mr. Weissbrodt and Mr. Yimer: draft resolution

1997/... Promotion of dialogue on human rights issues

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Purposes and Principles of the United Nations, particularly Article 1, paragraph 3, of the Charter, which stipulates that one of the Purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion,

Underlining the principle, as elaborated in the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in June 1993, that enhancement of international cooperation in the field of human rights is essential for the full achievement of the Purposes of the United Nations,

Recognizing the importance attached by the regional meetings, held prior to the World Conference on Human Rights in Tunis from 2 to 6 November 1992, in San José from 18 to 22 January 1993 and in Bangkok from 29 March to 2 April 1993, of conducting dialogues and consultations with a view to promoting universal respect for, and observance of, human rights and fundamental freedoms,

Acknowledging with great interest the strong views pronounced by members of the Sub-Commission concerning the urgent need to increase dialogue in the interest of the promotion of human rights in all countries,

Deeply concerned at the possibility of human rights issues being used for political purposes,

Welcoming the favourable conditions for international cooperation to promote human rights provided by the ending of the cold war,

Noting with appreciation the statement made on 5 August 1997 by the Chairman of the fifty-third session of the Commission on Human Rights, in which he recognized the importance of cooperation and consultation, as well as consensus-building with a view to enhancing the effectiveness of the Sub-Commission in promoting and protecting human rights,

1. Endorses the cooperative approach adopted by the members of the Sub-Commission, conducive to the accomplishment of its mandate;

2. Encourages further and timely dialogue, public or closed, among the expert members of the Sub-Commission, to facilitate the formulation and adoption of resolutions and decisions;

3. Invites members of the Sub-Commission and governmental and non-governmental observers to carry out constructive dialogue and consultations on human rights, so as to enhance understanding and to search for effective and commonly agreed solutions to the promotion and protection of human rights in all countries, taking into account the important role of the Sub-Commission as a "think-tank" in this regard;

4. Decides to continue its consideration of the promotion of dialogue and cooperation in the field of human rights, under the agenda item entitled "Review of further developments in fields with which the Sub-Commission has been or may be concerned".

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Agenda item 7

HUMAN RIGHTS OF INDIGENOUS PEOPLES

Ms. Attah, Mr. Boutkevitch, Ms. Daes, Mr. Guissé,
Ms. Gwanmesia and Mr. Hatano: draft resolution

1997/... Protection of the heritage of indigenous people

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting decision 1997/112 of 11 April 1997 of the Commission on Human Rights, approved by decision 1997/... of the Economic and Social Council, in which the Commission recommended that Ms. Erica-Irene A. Daes be entrusted with a continuing mandate to exchange information with all parts of the United Nations system involved in activities concerned with the heritage of indigenous people, with the purpose of facilitating cooperation and coordination and of promoting the full participation of indigenous people in those efforts,

Noting also that the Commission, in decision 1997/112, requested the Secretary-General to provide the Special Rapporteur of the Sub-Commission with all the assistance necessary to accomplish her work,

Recalling the Special Rapporteur's final and supplementary reports (E/CN.4/Sub.2/1995/26 and E/CN.4/Sub.2/1996/22) and welcoming the report of the technical meeting on the protection of the heritage of indigenous people (E/CN.4/Sub.2/1997/15),

1. Expresses its appreciation to the Special Rapporteur, Ms. Erica-Irene A. Daes, for her important and constructive work on the protection of the heritage of indigenous people;

2. Requests the Special Rapporteur to continue to exchange information with Governments, indigenous peoples and all parts of the United Nations system on the heritage of indigenous people;

3. Requests the United Nations High Commissioner for Human Rights to convene, prior to the sixteenth session of the Working Group on Indigenous Populations and the fiftieth session of the Sub-Commission, a seminar on the draft principles and guidelines for the protection of the heritage of indigenous peoples (E/CN.4/Sub.2/1994/31, annex) with the participation of the Special Rapporteur and representatives of Governments, United Nations bodies and organizations, specialized agencies, organizations of indigenous peoples and competent indigenous persons;

4. Decides to recommend the following draft decision to the Commission on Human Rights for adoption:

> "The Commission on Human Rights, taking note of resolution 1997/... of ... August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation of the Sub-Commission that the United Nations High Commissioner for Human Rights organize a seminar on the draft principles and guidelines for the protection of the heritage of indigenous peoples (E/CN.4/Sub.2/1994/31, annex) with the participation of the Special Rapporteur, Ms. Erica-Irene A. Daes, and representatives of Governments, United Nations bodies and organizations, specialized agencies, organizations of indigenous peoples and competent indigenous persons."

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HUMAN RIGHTS OF INDIGENOUS PEOPLES

Ms. Attah, Mr. Boutkevitch, Ms. Daes, Mr. Guissé,
Ms. Gwanmesia and Mr. Hatano: draft resolution

1997/... Working Group on Indigenous Populations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all without discrimination as to race, sex, language or religion,

Reaffirming the urgent need to recognize, promote and protect more effectively the human rights and fundamental freedoms of indigenous peoples,

Recalling Economic and Social Council resolution 1982/34 of 7 May 1982, in which the Council authorized the Sub-Commission to establish annually a working group on indigenous populations,

Taking note with appreciation of the report of the Working Group on Indigenous Populations on its fifteenth session (E/CN.4/Sub.2/1997/14) and, in particular, of its conclusions and recommendations,

Taking note also of Commission on Human Rights resolution 1993/30 of 5 March 1993, in which the Commission recommended to all thematic rapporteurs, special representatives, independent experts and working groups to pay special attention, within the framework of their mandates, to the situation of indigenous people,

Welcoming the decision of the Working Group on Indigenous Populations to highlight specific themes during its fifteenth session and the fruitful discussions on issues relating to indigenous peoples and environment, land and sustainable development, and to indigenous peoples and health,

Mindful of the relevant recommendations adopted by the World Conference on Human Rights, in particular those contained in Part I, paragraph 20 and Part II, paragraphs 28 to 32 of the Vienna Declaration and Programme of Action (A/CONF.157/23),

1. Expresses its deep appreciation to the Working Group on Indigenous Populations and in particular to its Chairperson-Rapporteur, Ms. Erica-Irene Daes, for the important and constructive work accomplished during its fifteenth session;

2. Requests the Secretary-General to transmit the report of the Working Group on its fifteenth session to indigenous organizations, Governments and intergovernmental and non-governmental organizations concerned, as well as to all thematic rapporteurs, special representatives, independent experts and working groups;

3. Requests that the report of the Working Group be made available to the Commission on Human Rights at its fifty-fourth session;

4. Recommends that the Working Group cooperate as a body of experts in any conceptual clarifications or analysis which might assist the working group established by the Commission on Human Rights in its resolution 1995/32 of 3 March 1995 to elaborate further the draft United Nations declaration on the rights of indigenous peoples;

5. Expresses its appreciation to the Chairperson-Rapporteur of the Working Group for her supplementary working paper on the concept of "indigenous peoples" (E/CN.4/AC.4/1997/2);

6. Recommends that the Working Group on Indigenous Populations, at its sixteenth session, continue to address indigenous health and indigenous land rights issues, and to include "indigenous peoples: education and language" as the principal item on the agenda of the sixteenth session;

7. Requests the Secretary-General to invite Governments, intergovernmental organizations and indigenous and non-governmental organizations to provide information and data, in particular on matters relating to "indigenous peoples: education and language", as well as health and land rights, to be made available as background papers at the session;

8. Requests the High Commissioner for Human Rights to encourage the undertaking of studies with respect to the rights to food and adequate nutrition of indigenous peoples, as they relate to their access to land, cultural heritage and health, and, as appropriate, call for an international workshop on the theme with the participation of Governments, United Nations bodies, programmes and organizations, and indigenous and non-governmental organizations with a view to evaluating the present access to adequate food and the nutritional status of indigenous peoples and to contributing to practical measures to improve the situation;

9. Requests the Chairperson-Rapporteur of the Working Group to inform the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations that the Working Group on Indigenous Populations at its sixteenth session will highlight education and language issues, so that the Board can bear this in mind when it meets for its eleventh session;

10. Requests the Secretary-General to prepare an annotated agenda for the sixteenth session of the Working Group containing, inter alia, the following items: standard-setting activities, including a sub-item on "possible future standard-setting activities, including guidelines or codes of conduct for private sector energy and mining concerns"; review of developments, including sub-items on "review of developments: general statements", "review of developments: indigenous peoples - education and language", "review of recent developments: health and indigenous peoples"; study on indigenous peoples and their relationship to land; a permanent forum for indigenous peoples; the International Decade of the World's Indigenous People, including a sub-item on "preparations for the mid-point review of the Decade"; and the study on treaties, agreements and other constructive arrangements between States and indigenous peoples;

11. Recommends that the Commission on Human Rights request the Economic and Social Council to authorize the Working Group to meet for five working days prior to the fiftieth session of the Sub-Commission;

12. Decides to recommend the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, taking note of resolution 1997/... of .. August 1997, of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request of the Sub-Commission to recommend that the Economic and Social Council authorize the Working Group on Indigenous Populations to meet for five working days prior to the fiftieth session of the Sub-Commission."

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Agenda item 6

CONTEMPORARY FORMS OF SLAVERY

Mr. Bossuyt, Mr. El-Hajjé, Mr. Guissé, Ms. Gwanmesia, Mr. Maxim
Ms. Warzazi and Mr. Yimer: draft resolution

1997/... United Nations Voluntary Trust Fund on
Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 46/122 of 17 December 1991 by which it established the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery to assist representatives of non-governmental organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and to extend through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery,

Recalling also the close relationship between the mandate and activities of the Working Group and those of the Board of Trustees of the Trust Fund, and the necessary cooperation between them,

Welcoming the appointment by the Secretary-General of the members of the Board of Trustees of the Fund,

Welcoming also the holding of the third session of the Board of Trustees from 17 to 19 March 1997, at which the Board recommended that the Secretary-General invite six representatives of non-governmental organizations to attend the twenty-second session of the Working Group and that he finance three projects,

Welcoming further the decision of the Secretary-General to approve these recommendations,

Concerned at the insufficiency of contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, which prevents it from effectively fulfilling its mandate,

1. Expresses its appreciation for the participation of the representatives of non-governmental organizations financed by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and for their valuable contribution to the work of the Working Group on Contemporary Forms of Slavery.

2. Encourages the activities of those non-governmental organizations financed by the Trust Fund;

3. Thanks the Chairman and the members of the Board of Trustees of the Fund who attended the session of the Working Group for their constructive participation in its work;

4. Expresses its support for the work of the members of the Board of Trustees, in particular their fund-raising activities;

5. Urges all Governments, non-governmental organizations and individuals to respond favourably to requests for contributions to the Trust Fund in order to enable the Fund to fulfil its mandate effectively;

6. Invites the members of the Board of Trustees of the Trust Fund in a position to do so to participate at the twenty-third session of the Working Group;

7. Decides to continue to examine the situation and the activities of the Trust Fund at its fiftieth session.

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Forty-ninth session
Agenda item 6

CONTEMPORARY FORMS OF SLAVERY

Mr. Bossuyt, Mr. El-Hajjé, Mr. Guissé, Mrs. Gwanmesia, Mr. Maxim
Ms. Warzazi and Mr. Yimer: draft resolution

1997/.. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its twenty-second session (E/CN.4/Sub.2/1997/13) and in particular the recommendations contained in chapter VI,

Deeply concerned at the information it contains relating to child and bonded labour, sexual exploitation, in particular of children, the traffic in persons, migrant and domestic workers and sexual slavery during wartime,

Noting that the status of ratification of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory,

Considering the necessity of promoting the implementation of international norms and standards on trafficking in persons and exploitation of the prostitution of others, and of strengthening the mechanism of implementation of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work and in particular for its continued broad approach and flexible methods of work;

2. Recommends once again that the General Assembly consider proclaiming 2 December as the day for the abolition of slavery in all its forms;

I. PREVENTION OF TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

3. Welcomes the outcome of the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996;

4. Recalls the adoption by the Commission on Human Rights of the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1);

5. Requests the Secretary-General to invite all States to report periodically to the Sub-Commission on measures adopted to implement the Programme of Action and on the efficacy of such measures;

6. Recommends that Governments prohibit the advertising or publicizing of sex tourism and that they do not facilitate other commercial activities involving sexual exploitation;

7. Encourages Governments, in cooperation with the World Health Organization and the Joint United Nations Programme on HIV/AIDS, to establish specific projects for the protection of the victims of traffic in persons and of prostitution from the risk of infection with HIV and the spread of AIDS;

8. Recommends that States take urgent measures, including measures of criminal law and of cooperation with other States, designed to protect minors from exposure to or involvement in pornography and requests the Secretary-General to invite States to provide information on measures taken or already applicable;

9. Invites the Secretary-General, in cooperation with the International Telecommunication Union, to continue to examine the adverse effect on children of new technologies, such as the Internet, that are used to promote, inter alia, child pornography and sex tourism;

10. Recommends that national institutions for the prevention of prostitution be established in all States in order to assist in the rehabilitation and reintegration of victims of prostitution;

11. Welcomes the positive measures taken by the World Tourism Organization and professionals in the field of tourism to combat sex tourism, and encourages the reinforcement of such activities;

II. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

A. Special Rapporteur on the sale of children, child prostitution and child pornography

12. Takes note of the information on these problems submitted by the Special Rapporteur in her report to the Commission on Human Rights (E/CN.4/1997/95 and Add.1-2);

13. Also takes note of the information on these problems submitted by the participants at the twenty-second session of the Working Group and requests the High Commissioner/Centre for Human Rights to transmit the information to the Special Rapporteur, along with the recommendations relating to her mandate;

14. Requests the Special Rapporteur, within the framework of her mandate, to continue to pay attention to issues relating to the traffic in children, such as organ transplantation, disappearances, the purchase and sale of children, adoption for commercial purposes or exploitation, child prostitution and child pornography;

15. Strongly encourages the Special Rapporteur to participate in the twenty-third session of the Working Group, in view of the importance of her contribution to its deliberations;

B. Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

16. Encourages the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to continue its work in elaborating a draft optional protocol, and calls upon the Working Group to outline a framework for

international cooperation to bring to an end all practices relating to the sexual exploitation of children, including child sex tourism;

17. Requests the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

18. Encourages all Governments to consider, in the context of the Programme of Action, the creation of programmes aimed at the social rehabilitation of all victims of trafficking, prostitution and pornography, in particular children, and requests international cooperation for establishing and implementing such programmes;

C. Commercial sexual exploitation of children

19. Welcomes the dissemination of the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children;

20. Calls upon all States to muster the political will to give priority to this issue and to initiate through national debate and an intersectoral dialogue a process which moves from deploring the issue to the urgent adoption of a national agenda for action that includes the gathering of gender-disaggregated data, indicators of progress, setting goals, a time-frame for its implementation and national monitoring mechanisms;

21. Calls for increased cooperation between and concrete action-oriented measures by States and international organizations;

D. Traffic in human organs and tissues

22. Notes the information submitted by the Secretary-General to the Commission on Human Rights in accordance with Commission resolution 1996/61 of 23 April 1996, in which the Commission requested the Secretary-General to examine, in cooperation with relevant United Nations agencies, in particular the World Health Organization and all relevant non-governmental organizations, the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes in order to enable the Commission to decide upon possible follow-up to this matter (E/CN.4/1997/78);

23. Welcomes the adoption by the Commission on Human Rights of resolution 1997/20 of 11 April 1997, in which the Commission requested the Secretary-General to continue the examination of the reliability of allegations regarding the removal of organs and tissues of children and adults

for commercial purposes and to include an analysis of this question in an updated report to be submitted to the Commission at its fifty-fifth session, in order to enable the Commission to decide whether continued attention to this question is required;

24. Encourages the World Health Organization to continue to pay special attention to this issue, welcomes once again the recommendation of the World Health Organization Advisory Committee on Health Research to set up a task force on organ transplantation, and notes the report of its first meeting held in Annecy, France, on 10 and 11 October 1996;

III. ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

25. Urges all States, while attempting ultimately to eliminate the phenomenon of child labour, to adopt measures and regulations to protect child labourers, to ensure that their labour is not exploited and to prohibit their labour in hazardous occupations;

26. Urges States that have not yet done so to ratify the relevant International Labour Organization conventions, in particular the Forced Labour Convention, 1930 (No. 29) and the Convention on the Minimum Age for Admission to Employment, 1973 (No. 138);

27. Calls for international cooperation in order to assist the States concerned in their struggle against bonded labour;

28. Requests the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour and to report to the Sub-Commission and the Commission at their next sessions;

IV. ERADICATION OF BONDED LABOUR

29. Takes note with satisfaction of the promulgation by certain States of laws against bonded labour, and appeals to their Governments to adopt all necessary measures to ensure the full implementation of such laws;

30. Requests the specialized agencies, in particular the international financial institutions and the development agencies of the United Nations, to ensure that the projects they support do not, in any way, use bonded labour;

31. Recommends that Governments cooperate with trade unions and employers' organizations at the national level to address the problem of bonded labour and that trade unions and employers' organizations at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violations of the relevant

conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

V. FORCED LABOUR

32. Reaffirms once again that forced labour is a contemporary form of slavery;

33. Decides to continue to give consideration to this issue at its next session;

VI. MIGRANT WORKERS

34. Decides to give priority to the consideration of the question of domestic and migrant workers at its next sessions;

35. Also decides to continue to give particular attention to the situation of girl children domestic workers, and urges Governments to ensure that protective regulations govern their employment situation and provide for safe conditions of work;

36. Notes the difficult situation in which girl children are living and the need for them to be provided with protection with a view to their fullest human development and participation in the life of their community being ensured;

37. Urges States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

38. Also urges States to take the necessary measures to prohibit and sanction the confiscation of passports belonging to migrant workers, in particular, migrant domestic workers;

39. Strongly condemns practices of unequal treatment of migrant workers and the denial of their human dignity;

40. Welcomes Commission on Human Rights resolution 1997/15 of 3 April 1997 in which the Commission decided to establish a working group consisting of five intergovernmental experts on human rights and migrants;

41. Also welcomes the conclusions and recommendations of the United Nations seminar on immigration, racism and racial discrimination held in Geneva from 5 to 9 May 1997, and requests the Secretary-General to disseminate them widely;

42. Recommends that non-governmental organizations give attention to the grave problems affecting migrant workers and provide the Working Group with information in this regard;

VII. ILLEGAL AND PSEUDO-LEGAL ADOPTIONS AIMING AT THE EXPLOITATION OF CHILDREN

43. Takes note of the information received concerning cases of children adopted for commercial purposes and any other form of traffic;

44. Urges States to take adequate steps to regulate and monitor intercountry adoptions better, in particular by ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993;

45. Decides to continue to give consideration to this issue at its next session;

VIII. ELIMINATION OF VIOLENCE AGAINST WOMEN

A. Violence against women

46. Decides to give more priority to exploring preventive measures for the elimination of violence against women, in particular in situations of armed conflict;

47. Welcomes the work of the Special Rapporteur on violence against women and notes her report (E/CN.4/1997/47 and Add.1-4);

48. Invites Governments, intergovernmental organizations and non-governmental organizations to disseminate widely the report of the Special Rapporteur and to implement the recommendations contained therein;

49. Decides to pay special attention to the next report of the Special Rapporteur, which will focus on violence against women during armed conflict;

50. Decides to transmit the information received concerning the sexual exploitation of women and other forms of forced labour during wartime to the Special Rapporteur on violence against women and the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict;

51. Requests the Secretary-General to transmit the final report to be prepared by the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict to the Working Group at its next session;

52. Invites the Special Rapporteur on violence against women and the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict to participate in the twenty-third session of the Working Group;

B. Sexual slavery during wartime, in particular during the Second World War

53. Takes note of the information provided by the Government of Japan, as well as by other parties concerned, with regard to actions in relation to the issue of women sex slaves during the Second World War, recognizing the positive steps made so far towards the solution to this issue;

54. Encourages further efforts towards a constructive dialogue;

55. Invites the Government of Japan to continue to cooperate with the United Nations and the specialized agencies in this matter;

56. Decides to continue to consider this issue at its next session;

IX. MISCELLANEOUS

57. Decides to biennialize the consideration of the issues of incest and early marriage, including the consideration of ways to combat incest and sexual abuse of children inside the family and the urgent need for adequate help to be offered to victims of such practices;

58. Urges Governments to make confidential facilities available for children to make disclosure of the situation and to obtain advice and assistance;

59. Urges Member States to take adequate steps to punish severely the perpetrators of this most heinous offence;

60. Requests the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations on proposals for the future action of the Working Group with a view to its considering their replies at its forthcoming sessions;

61. Appeals to all Governments to send representatives to the meetings of the Working Group;

62. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

63. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child,

when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and to include in their guidelines an item concerning contemporary forms of slavery;

64. Recommends that the supervisory bodies of the International Labour Organization and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

65. Requests the Secretary-General to transmit to the committees mentioned above, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group;

66. Welcomes again the adoption by the Commission on Human Rights of resolution 1996/61 of 23 April 1996, in which the Commission requested the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre for Human Rights on issues relating to contemporary forms of slavery;

67. Again requests the Secretary-General to designate the High Commissioner/Centre for Human Rights as the focal point for the coordination of activities and the dissemination of information within the United Nations system for the suppression of contemporary forms of slavery;

68. Notes that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, approved the endorsement by the Commission

on Human Rights of the recommendation made by the Sub-Commission in its resolution 1992/2 of 14 August 1992 that the arrangements regarding the organization of the sessions of the Working Group on Contemporary Forms of Slavery, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

69. Decides, in arranging its agenda, to make provision for adequate discussion of the report of the Working Group near the commencement of each session, thereby strengthening its involvement in the activities of the Working Group.

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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 4 (b)

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS:
THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Mrs. Attah, Mrs. Daes, Mr. Eide, Mr. El-Hajjé, Mrs. Forero Ucros,
Mr. Guissé, Mr. Mehedi and Mrs. Warzazi: draft resolution

1997/... Promotion of the realization of the right of access of all to drinking water supply and sanitation services

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

Mindful that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and a wide range of additional texts provide unequivocally that all persons are entitled to the full realization of economic, social and cultural rights,

Taking note of the Declaration on the Right to Development (General Assembly resolution 41/128 dated 4 December 1986, annex),

Recalling section I, paragraph 10, of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights, inter alia, reaffirmed the right to development as a universal and inalienable right and an integral part of human rights, and urged States and the international community to promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Taking account of the results of the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995, especially the recommendations of its Programme of Action concerning the United Nations system (A/CONF.166/9), inter alia, the need to strengthen United Nations operational activities for development in order to implement the World Summit outcome, and the United Nations system's capacity for gathering and analysing information and developing indicators of social development, taking into account the work carried out by different countries, particularly by developing countries (para. 99 (e)),

Taking particular account of the provisions of chapter 18 of Agenda 21 on the protection of the quality and supply of fresh-water resources, the programme adopted by the United Nations Conference on Environment and Development,

Aware that all States have legally binding obligations to respect, protect and fulfil economic, social and cultural rights,

Deeply concerned to note that 1.4 billion people in the world are still deprived of access to drinking water supply and that some 4 billion lack decent conditions of sanitation,

Affirming the right of each woman, man and child to access to drinking water supply and sanitation services in order to live in dignity, security and peace,

Taking into consideration the International Drinking Water Supply and Sanitation Decade (1981-1990), and the celebration, on 22 March of each year, of the World Day for Water (General Assembly resolution 45/181 of 21 December 1990 and resolution 47/193 of 22 December 1992 respectively),

Bearing in mind the objectives of a "20-20" type compact concerning in particular the access of all to drinking water supply and sanitation services, as expressed in the UNDP "Human Development Report 1994",

Reiterating the fundamental principles of equality of opportunity, human dignity, equity and justice,

Reaffirming also the inherent link between the enjoyment of all human rights, in particular economic, social and cultural rights, and the right of each woman, man and child to have access to drinking water supply,

1. Reaffirms the Declaration on the Right to Development, as proclaimed by the General Assembly in resolution 41/128 of 4 December 1986, where stress is laid on the multidimensional, integrated and dynamic character of this right which promotes partnership for development and constitutes a relevant framework for international cooperation and national action aimed at universal and effective observance of all human rights in their universality, indivisibility and interdependence;

2. Affirms that the global and multidimensional approach, as defined in the Declaration on the Right to Development, should constitute a basis for work to be carried on on the promotion of the realization of the right of access of all to drinking water supply and sanitation services;

3. Decides to entrust to Mr. El Hadji Guissé the task of drafting, without financial implications, a working paper on the question of the promotion of the realization of the right of access of all to drinking water supply and sanitation services;

4. Requests Mr. El Hadji Guissé to submit his working paper to it at its fiftieth session;

5. Decides to consider the question of the promotion of the realization of the right of access of all to drinking water supply and sanitation services under the agenda item entitled "The realization of economic, social and cultural rights", and to determine the most effective way of continuing consideration of the question of the promotion of the realization of this right.

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Sub-Commission on Prevention of
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Forty-ninth session
Agenda item 4

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Mr. Ali Khan, Ms. Attah, Ms. Daes, Mr. Eide, Mr. El Hajjé,
Mr. Fix Zamudio, Mr. Diaz Uribe, Mr. Guissé, Ms. Gwanmesia,
Mr. Maxim, Ms. McDougall, Ms. Palley, Ms. Warzazi, and Mr. Yimer:
draft resolution

1997/... Women and the right to adequate housing and to land and property

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the recognition and legal foundations of the right to adequate housing contained in, inter alia, the Universal Declaration of Human Rights (arts. 7, 12, 17, 25, para. 1), the International Covenant on Economic, Social and Cultural Rights (arts. 2, para. 2., 11, para. 1), the International Covenant on Civil and Political Rights (arts. 2, para. 1, 17, 26) and its Optional Protocol, the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (e) (iii)), the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling also general comment No.4 (1991) on the right to adequate housing and general comment No. 7 (1997) on forced evictions adopted by the Committee on Economic, Social and Cultural Rights,

Recalling further Commission on Human Rights resolution 1993/77 of 10 March 1993 entitled "Forced evictions",

Recalling its own resolutions 1991/26 of 29 August 1991, 1992/26 of 27 August 1992, 1993/36 of 25 August 1993, 1994/38 of 26 August 1994 and 1995/27 of 24 August 1995, entitled "Promoting the realization of the human right to adequate housing",

Recognizing that women face particular constraints in securing and maintaining their right to housing because of the continued existence of gender-biased laws, policies, customs and traditions which exclude women from acquiring land, security of tenure and inheritance rights to land and property and owing to women's reproductive role, and that these constraints are particularly acute for women who also face discrimination on one or more other grounds, including race, ethnicity, creed, disability, age, socio-economic status and marital status,

Alarmed that more women than men live in absolute poverty and that female-headed households, which comprise one fourth of all households worldwide, are very often among the poorest,

Concerned that continued discrimination faced by women in all matters relating to land and property is the single most critical factor in the perpetuation of gender inequality and poverty,

Disturbed that millions of women worldwide suffer from extremely poor housing and living conditions, including severe pollution, overcrowding, polluted water and inadequate sanitation, all of which give rise to serious mental and physical health problems and cause thousands of women to die, or to live in a permanent state of ill-health,

Aware that women are largely excluded from the housing and planning development process, which leads to the underutilization of their knowledge and experience and results in development policies and projects that are insensitive to women's requirements for the improvement of their housing, neighbourhoods and communities,

Aware also that women experience discrimination by being denied access to, inter alia, the right to rent, own or inherit housing, land and property;

economic resources, including agricultural and housing credits and loans; economic opportunities through employment and self-employment, training, information and education; health care and social support services, and that such discrimination has a particularly adverse impact on female-headed households,

Concerned that women and children suffer disproportionately from the practice of forced eviction and that women bear the brunt of traumatized and dislocated communities,

Deeply concerned that inadequate and insecure housing and living conditions contribute to, cause and are often the result of violence against women and that women's lack of security of tenure, resulting from domestic violence as well as gender-biased laws, customs and traditions which exclude women from renting, owning or inheriting land or property, exposes women to homelessness and landlessness,

Stressing that the violation of women's right to adequate housing results in the violation of other civil, cultural, economic, political and social rights such as the right to equality before the law and equal protection of the law, the right to life, the right to security of the person, the right to work, the right to health and the right to education,

Aware that the Secretary-General, in his report Women in urban areas: population, nutrition and health factors for women in development, including migration, drug consumption and AIDS (E/CN.6/1994/3) submitted to the Commission on the Status of Women at its thirty-eighth session, stated that security of tenure promotes greater participation of women in community management and that this, in turn, helps households escape the poverty trap,

Mindful that the Habitat Agenda (A/CONF.165/14), adopted by the United Nations Conference on Human Settlements (Habitat II), recognizes women's right to adequate housing and to land and property and the importance of all actors adopting and implementing policies, laws and programmes aimed at the realization of these rights,

Mindful also that the Platform for Action (A/CONF.177/20) adopted by the Fourth World Conference on Women recognized the links between women's poverty and lack of access to economic opportunities including land ownership and inheritance,

Noting that the Plan of Action adopted by the World Food Summit, recognized women's right to land in relation to their right to food,

Noting also that the Special Rapporteur on violence against women of the Commission on Human Rights in her preliminary report (E/CN.4/1995/42) noted that economic and social factors, including inadequate housing can cause domestic violence,

Noting further resolution 16/7 of 7 May 1997 entitled "The realization of the human right to adequate housing" adopted by the United Nations Commission on Human Settlements in which it recommended that a joint programme be elaborated between the United Nations Centre for Human Rights and the United Nations Centre for Human Settlements (Habitat) to assist States with the implementation of their commitments to ensure the realization of the right to adequate housing as provided for in international instruments,

1. Reaffirms the universal nature and existence of the right to adequate housing in terms of its relevance to all human rights with respect to women;

2. Encourages Governments to comply fully with all their international and regional obligations and commitments concerning the legally recognized rights of women to land, property, inheritance, adequate housing including security of tenure, an adequate standard of living and the continuous improvement of living and housing conditions and to create opportunities for women to acquire training, education and information in all matters related to these rights;

3. Reminds Governments of the critical importance of providing women with legal resources and human rights information and education to address the violence they experience in relation to housing, and to enact and enforce laws and policies that protect women against violence in this context;

4. Recognizes the importance in this regard of international cooperation and the need for cooperation between Governments, non-governmental organizations and international agencies;

5. Requests the United Nations High Commissioner for Human Rights, in pursuance of her mandate, to undertake initiatives to promote women's right to adequate housing and to land and property;

6. Encourages the High Commissioner/Centre for Human Rights to include fully in all the projects undertaken by the technical cooperation and advisory services programme specific activities related to the promotion and protection of women's right to adequate housing and to land and property;

7. Also encourages the High Commissioner/Centre for Human Rights to include fully in all its field operations specific activities relating to the promotion and protection of women's right to adequate housing and to land and property;

8. Recommends that the Special Rapporteur of the Commission on Human Rights on violence against women include in her next report an in-depth analysis of the relationship between violence against women and violations of the right to adequate housing, including forced evictions;

9. Also recommends that all relevant special rapporteurs and the special representative of the Secretary-General on internally displaced persons take into account in the preparation of their reports the question of the housing, land and property rights of women;

10. Invites the Commission on the Status of Women to consider the right to adequate housing in its continued research on the impact of violations of economic, social and cultural rights on women;

11. Invites the Committee on the Elimination of Discrimination against Women to pay special attention to the issue of the housing rights of women when examining States parties' reports and to explore the possibility of adopting a general recommendation on women and housing rights as this relates, inter alia, to the provisions of article 14 of the Convention on the Elimination of All forms of Discrimination Against Women, with a view to clarifying the obligations of States parties to the Convention in this respect;

12. Invites the Committee on Economic, Social and Cultural Rights to consider devoting a day of general discussion to the impact of structural discrimination, poverty and inadequate housing and living conditions on the economic, social and cultural rights of women, with a view to adopting a general comment on article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights;

13. Strongly suggests that the joint programme of the Centre for Human Rights and the United Nations Centre for Human Settlements (Habitat) focus directly on women and the right to adequate housing and to land and property;

14. Requests Governments, the organizations and bodies of the United Nations and the specialized agencies, actively to support local, national and international initiatives, including the development of human rights indicators, aimed at assessing and improving the housing and living

conditions of women throughout the world, in full consultation with and with the full participation of women themselves, their representatives and community-based non-governmental organizations and other relevant groups;

15. Invites the Food and Agriculture Organization of the United Nations, in its implementation of the Plan of Action adopted by the World Summit on Food, to focus on women's poverty in relation to their rights to land and property;

16. Invites the International Labour Organization to consider women's housing, land and property rights in its monitoring and development of recommendation No. 115 concerning Workers' Housing, 1961 and the Home Work Convention (No. 177), 1996;

17. Urges the international financial institutions, in particular the World Bank and the International Monetary Fund, to take fully into account the human rights implications for women of their policies, in particular structural adjustment programmes and the funding of large-scale development projects that often lead to forced evictions;

18. Decides to review the question of women and the right to adequate housing at its fiftieth session, under the relevant agenda item.

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
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of Minorities
Forty-ninth session
Agenda item 9

THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

Mr. Ali Khan, Ms. Attah, Mr. Boutkevitch, Ms. Daes,
Mr. Decaux, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio,
Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Khalil,
Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park,
Mr. Weissbrodt, Mr. Yimer and Mr. Zhong:
draft decision

1997/... The administration of justice and human rights

At its ... meeting, on ... August 1997, the Sub-Commission decided to request the sessional working group on the administration of justice to continue its consideration of the expanded working paper prepared by Mr. Stanislav Chernichenko on the recognition of gross and massive violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime (E/CN.4/Sub.2/1997/29) and for that purpose to transmit the expanded working paper, through the Secretary-General, to the International Law Commission, so that the Commission's comments might be considered at the next session of the Working Group.

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Agenda item 8

PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES

Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Decaux, Mr. Eide, Mr. El-Hajjé, Mr. Diaz Oribe, Ms. Gwanmesia, Mr. Hatano, Mr. Khalil, Mr. Fix Zamudio, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Ms. Palley, Mr. Park, Ms. Warzazi, Mr. Weissbrodt, Mr. Yimer and Mr. Zhong: draft resolution

1997/... Prevention of discrimination against and protection of minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1995/24 of 3 March 1995 on the rights of persons belonging to national or ethnic, religious and linguistic minorities, in which the Commission, inter alia, decided to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to minorities,

Noting Commission resolution 1997/16 of 3 April 1997, in which it commended the role of the Working Group on Minorities as an important forum

for the promotion of the rights of persons belonging to minorities and expressed its expectation that the Working Group would further implement its mandate as set out in Commission resolution 1995/24, with the involvement of a wide range of participants,

Having considered the comprehensive report of the Working Group on Minorities on its third session (E/CN.4/Sub.2/1997/18) and in particular the conclusions and recommendations contained in paragraphs 105 to 125 thereof,

Disturbed at the widespread occurrence of violent conflicts in many parts of the world where ethnic or religious hostility is engendered and exploited by one or more of the parties to the conflict,

Reiterating the need for States, minorities and majorities to search for peaceful and constructive solutions to problems affecting minorities,

Emphasizing the need for system-wide cooperation within the United Nations to facilitate peaceful solutions to situations involving minorities,

Underlining the need for close cooperation between the Sub-Commission and the Commission on Human Rights in this field,

1. Welcomes the substantive information submitted to the sessions of the Working Group on Minorities and the dialogue engaged between minorities and Governments, and the report of the Working Group on its third session (E/CN.4/Sub.2/1997/18);

2. Decides to transmit the report of the Working Group on Minorities on its third session to the Commission on Human Rights for consideration;

3. Recommends that the Commission on Human Rights request the Economic and Social Council to authorize the extension of the mandate of the Working Group for a further three years with a view to its holding one session annually;

4. Invites the Working Group to increase its cooperation with the United Nations High Commissioner for Human Rights with a view to strengthening her preventive activities and enhancing her responses to minority situations warranting urgent action;

5. Appeals to all Governments, intergovernmental organizations, United Nations bodies, specialized agencies, non-governmental organizations and scholars to continue to participate actively in the work of the Working Group;

6. Invites the Working Group to elaborate and submit to the Sub-Commission guidelines concerning the content and scope of the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including concrete recommendations for their implementation;

7. Welcomes the seminar on multicultural and intercultural education held on 23 and 24 May 1997 and the recommendations thereof contained in document E/CN.4/Sub.2/AC.5/1997/WP.5, and invites the Working Group to pursue its efforts to organize further seminars, without financial implications, in accordance with the recommendations contained in its reports;

8. Recommends that the Working Group continue the consideration of the issue of citizenship and nationality within the context of minority rights;

9. Requests the Commission on Human Rights to invite States and intergovernmental and non-governmental organizations to provide their comments on The Hague Recommendations regarding the Education Rights of National Minorities (E/CN.4/Sub.2/AC.5/1997/WP.3, annex) in accordance with paragraph 111 of document E/CN.4/Sub.2/1997/18;

10. Requests the Commission on Human Rights to invite States and intergovernmental and non-governmental organizations to provide information on good practices organized according to the principles contained in the Declaration, in accordance with paragraph 109 of document E/CN.4/Sub.2/1997/18;

11. Recommends that minority rights issues and programmes for intercultural education be made a core component of the action plans for the United Nations Decade for Human Rights Education;

12. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child, when considering States parties' reports, give particular attention to the implementation of, respectively, article 27 of the International Covenant on Civil and Political Rights, article 15 of the International Covenant on Economic, Social and Cultural Rights, article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 30 of the Convention on the Rights of the Child, and include in their guidelines an item concerning minorities;

13. Also recommends that the treaty bodies, special rapporteurs, special representatives and the relevant working groups continue to pay due regard, within their mandates, to the principles contained in the Declaration;

14. Requests the competent United Nations organs and bodies and intergovernmental and non-governmental organizations to intensify their efforts to disseminate information on the Declaration and to continue to submit information on the application thereof to the Working Group on Minorities in compliance with article 9 of the Declaration;

15. Recommends that the Office of the United Nations High Commissioner for Human Rights be strengthened to enable it to provide adequate services to the Working Group and to undertake relevant studies, evaluation and action;

16. Recommends the following draft decision to the Commission on Human Rights for adoption:

> "The Commission on Human Rights, taking note of resolution ... of ... August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to request the Economic and Social Council to authorize the extension of the mandate of the Working Group on Minorities for a further three years with a view to its holding one session annually, namely, in 1998, 1999 and 2000".

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Agenda item 11

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

Ms. Attah, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Khalil, Mr. Maxim, Mr. Park, Ms. Warzazi and Mr. Yimer: draft decision

1997/... The concept of affirmative action

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, taking into account the suggestion of the Committee on the Elimination of Racial Discrimination concerning the preparation of a study on the concept of affirmative action, decides to entrust ... with the preparation, without financial implications, of a working paper on the concept of affirmative action for submission under the agenda item entitled "Comprehensive examination of thematic issues relating to the elimination of racial discrimination" in order to enable it to take a decision at its fiftieth session on the feasibility of such a study.

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Agenda item 1 (c)

ORGANIZATION OF WORK

METHODS OF WORK OF THE SUB-COMMISSION

Mr. Bossuyt, Mr. Chernichenko and Mr. Lindgren Alves: draft decision

1997/... Methods of work of the Sub-Commission regarding agenda item 2

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its decision 1996/115 of 19 April 1996 in which it decided to take no action at its forty-ninth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)" in respect of human rights situations which the Commission was considering under the public procedures for dealing with human rights violations, and recalling also resolution 1997/22 of the Commission on Human Rights, decides to take no action henceforth under that agenda item in respect of human rights situations which the Commission is considering under the public procedures for dealing with human rights violations.

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Agenda item 11 (c) (ii)

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

REVIEW OF ISSUES NOT PREVIOUSLY THE SUBJECT OF STUDIES BUT WHICH THE SUB-COMMISSION HAD DECIDED TO EXAMINE: TERRORISM AND HUMAN RIGHTS

Mr. Ali Khan, Ms. Attah, Mr. Bossuyt, Mr. Boutkevitch, Mr. Chernichenko, Ms. Daes, Mr. Diaz Uribe, Mr. Eide, Mr. El-Hajjé, Mr. Fan, Mr. Fix Zamudio, Mr. Guissé, Ms. Gwanmesia, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mr. Lindgren Alves, Mr. Maxim, Mr. Mehedi, Mr. Park, Mr. Weissbrodt and Mr. Yimer: draft resolution

1997/... Human rights and terrorism

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments on human rights and humanitarian law,

Bearing in mind that the most essential and basic human right is the right to life,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights,

Recalling also General Assembly resolution 50/186, Commission on Human Rights resolutions 1994/46, 1995/43, 1996/47 and 1997/42, and its own resolutions 1994/18 and especially 1996/20,

Reiterating its deep concern at the persistence of acts of terrorism and the gross violations of human rights perpetrated by terrorist groups,

Reiterating also that all States have an obligation to promote and protect human rights and fundamental freedoms, and that every individual should strive to secure their universal and effective recognition and observance,

Profoundly deploring the increasing number of innocent persons killed and maimed by terrorists in indiscriminate and random acts of violence and terror, which cannot be justified under any circumstances,

Noting with great concern the growing connection between terrorist groups and the illegal traffic in arms and drugs, as well as the consequent commission of serious crimes,

Welcoming the working paper submitted by Ms. Kalliopi K. Koufa in accordance with Sub-Commission resolution 1996/20 (E/CN.4/Sub.2/1997/28),

1. Reiterates its unequivocal condemnation of all acts, methods and practices of terrorism regardless of their motivation, in all its forms and manifestations, wherever and by whomever committed, as acts of aggression aimed at the annihilation of human rights, fundamental freedoms and democracy, threatening territorial integrity and international peace and security, destabilizing legitimately constituted Governments, undermining pluralistic civil society and having adverse consequences on the economic and social development of States;

2. Calls upon Governments to take all necessary and effective measures, in conformity with international standards of human rights, to prevent, combat and eliminate terrorism;

3. Urges the international community to enhance cooperation in the fight against terrorism at the national, regional and international levels;

4. Expresses its deep appreciation to Ms. Kalliopi K. Koufa for her analytical, very comprehensive and well-documented working paper (E/CN.4/Sub.2/1997/28);

5. Recommends that the Commission on Human Rights authorize the appointment of Ms. Kalliopi K. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper;

6. Requests the Special Rapporteur to submit a preliminary report at its fiftieth session, a progress report at its fifty-first session and a final report at its fifty-second session;

7. Requests the Secretary-General to invite Governments, United Nations bodies, the specialized agencies and intergovernmental and non-governmental organizations to provide the Special Rapporteur with information relevant to the preparation of her study;

8. Also requests the Secretary-General to provide the Special Rapporteur with all the assistance she may require for the preparation of her study;

9. Recommends the following draft decision to the Commission on Human Rights for adoption:

"The Commission on Human Rights, taking note of resolution 1997/... of ... August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, approves the appointment of Ms. Kalliopi K. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper (E/CN.4/Sub.2/1997/28) and requests the Special Rapporteur to submit her preliminary report to the Sub-Commission at its fiftieth session, a progress report at its fifty-first session and a final report at its fifty-second session. The Commission requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task and recommends the following draft decision to the Economic and Social Council for adoption:

'The Economic and Social Council, taking note of Commission on Human Rights decision 1998/... of ... ... 1998, endorses the appointment of Ms. Kalliopi K. Koufa as Special Rapporteur to carry out a study on terrorism and human rights and requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to enable her to accomplish her task.'"